

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

(1)	KATHERINE MORLEY LIEBERMAN)	
	as individual,)
)
	Plaintiff,)
)
v.) Case Number: 4:13-cv-00300-JED-TLW
) (formerly Tulsa County District
(2)	NATIONAL CASUALTY COMPANY)	Court Case No. CJ-2013-01980)
	a Foreign For Profit Corporation,)
)
	Defendant.)

DEFENDANT NATIONAL CASUALTY COMPANY’S NOTICE OF REMOVAL

Defendant, National Casualty Company (hereinafter “Defendant” or “NCC”), hereby submits its Notice of Removal of this action to the United States District Court for the Northern District of Oklahoma. Pursuant to LCvR 81.2, a copy of the state court docket sheet, as well as all documents filed or served in the state court action, are attached hereto as **EXHIBIT 1** (Docket Sheet), **EXHIBIT 2** (Plaintiff’s Petition), **EXHIBIT 3** (Summons), **EXHIBIT 4** (Entry of Appearance of R. Thompson Cooper), and **EXHIBIT 5** (Answer). No other motions, pleadings or papers have been received by Defendant or filed in the state court case.

The basis of this removal is that the amount in controversy exceeds the jurisdictional amount required by 28 U.S.C. § 1332, and that diversity exists between Plaintiff and Defendant. In further support of this Notice, Defendant submits the following:

1. According to Plaintiff’s Petition, Plaintiff is a resident of Tulsa County, State of Oklahoma. (See ¶ 1 of Plaintiff’s Petition, attached hereto as **EXHIBIT 2**.)

2. Defendant is a foreign corporation domiciled in the State of Wisconsin, with its principal place of business in Arizona. Defendant has never been incorporated in Oklahoma, and

has never had its principal place of business in Oklahoma. (*See* 2012 Oklahoma Insurance Department List of Licensed Insurance Companies, p. 71, **EXHIBIT 6**.)

3. This lawsuit arises out of claims for insurance proceeds relating to a personal injury claim submitted by Plaintiff to Defendant. The subject accident allegedly took place at the Tulsa Zoo, which is located in Tulsa County, Oklahoma (*i.e.*, within the Northern District of Oklahoma).

4. According to Plaintiff's Petition, Plaintiff seeks in excess of \$75,000 in actual damages, plus interest, punitive damages in excess of \$75,000, reasonable attorney fees, and other relief as deemed appropriate by the court. (*See* Prayer for Relief, p. 5 of Plaintiff's Petition, attached hereto as **EXHIBIT 2**.)

5. The Oklahoma Insurance Department received Plaintiff's summons and Petition on April 22, 2013. (*See* Oklahoma Insurance Department date-stamp on Summons, **EXHIBIT 3**.) The Oklahoma Insurance Department mailed the Summons and Petition to Defendant on April 23, 2013. Accordingly, this removal is timely filed pursuant to 28 U.S.C. 1446(b). (*See* correspondence from the Insurance Commissioner to NCC, **EXHIBIT 7**.)

6. In summary, this controversy is between parties who are residents of different states with alleged damages in excess of \$75,000. Therefore, removal jurisdiction exists pursuant to 28 U.S.C. § 1441(a) on the basis that federal court has diversity jurisdiction under 28 U.S.C. § 1332. At the time of this removal, there are no motions pending in the Tulsa County district court.

7. Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal will be served on counsel for Plaintiff, and a copy of this Notice of Removal will be filed with the Clerk of the District Court in and for Tulsa County, State of Oklahoma.

8. Removal to this District Court is proper under 28 U.S.C. § 116(a).

WHEREFORE, Defendant, National Casualty Company, removes this action from the District Court in and for Tulsa County, State of Oklahoma, to the United States District Court for the Northern District of Oklahoma.

Respectfully submitted,

S/ R. Thompson Cooper

R. Thompson Cooper, OBA No. 15746

Molly E. Raynor, OBA No. 30223

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

This certifies that on May 22, 2013, the above and foregoing instrument was delivered to the following counsel of record:

Donald E. Smolen
Jack Beesley
701 South Cincinnati Avenue
Tulsa, Oklahoma 74119

VIA U.S. MAIL

S/ R. Thompson Cooper
For the Firm